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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002258

SIPDIS

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#) [OSCE](#)

SUBJECT: GOT SUMMARILY DEPORTS SYRIAN KURD

Classified by Polcouns John Kunstadter; reasons 1.4 b and d.

¶11. (U) Summary: The GOT in March summarily deported a Syrian army deserter without allowing the office of the UN High Commissioner for Refugees (UNHCR) to review his asylum petition. The Syrian, who was acquitted in a Turkish court on terrorism charges, claimed that because he is a Kurd and a deserter, he would face persecution if returned to his country. UNHCR officials maintain Turkish authorities should have allowed them to interview the Syrian. An MFA official said the Syrian waited until the last minute to claim asylum, and by the time MFA learned of the case it was too late to intervene. End Summary.

Police Detain Syrian Deserter

¶12. (U) Ahmed Muhammed Ibrahim, born in Haseke, Syria in 1984, deserted from the Syrian Army and entered southeastern Turkey in August 2004. Within days of his arrival, Turkish police arrested Ibrahim in the village of Havuzlu near the Syrian border and charged him with having an affiliation with the terrorist Kurdistan Workers Party (PKK). A Diyarbakir court tried Ibrahim and acquitted him. Ibrahim filed an asylum petition on March 23, 2005, one day before he was released. On March 25, Turkish authorities returned him to Syria without allowing UNHCR to review his case.

¶13. (U) Steve Corliss, deputy representative at the UNHCR Ankara office, told us UNHCR learned of Ibrahim's petition on March 23 and immediately contacted the MFA. Ibrahim maintained that because he is a Kurd and a deserter, he could face persecution if forced to return to Syria. UNHCR wanted to interview Ibrahim to determine whether he qualified for asylum. Corliss said MFA officials indicated they would likely comply with the request. But Ibrahim was returned to Syria two days later without being provided access to the asylum procedure.

¶14. (U) Turkey is a signatory to the UN Convention Relating to the Status of Refugees; however, the GOT exercises its option under the Convention of accepting obligations only with respect to refugees from Europe. The GOT reviews the few petitions filed each year by migrants from Europe and grants refugee and asylum status to qualifying applicants. Petitions filed by migrants from countries on Turkey's eastern borders are referred to UNHCR. If UNHCR approves the petitions, the refugees can stay in Turkey temporarily until they can be resettled in a third country.

UNHCR Unable to Review Petition

¶15. (C) Corliss said cooperation between the GOT and UNHCR has generally improved in recent years; however, in cases involving allegations of PKK affiliation GOT authorities still have a tendency to summarily deport migrants even if they file asylum petitions. In two previous cases in recent months, Turkish authorities returned Syrian Kurds to Syria without allowing UNHCR to review their asylum claims. These cases differed from the Ibrahim example, because they involved Syrians who had been convicted in Turkey of PKK involvement and sought asylum after serving their sentences. While Corliss believes UNHCR should have been allowed access to the two convicts, the Ibrahim case is more troubling because Ibrahim was acquitted in court.

¶16. (U) Corliss said it is not clear whether UNHCR would have approved Ibrahim's petition, but army deserters in general may have a legitimate fear of persecution if returned to their country of origin. The MFA has not responded to a UNHCR request for an explanation of the legal rationale for Ibrahim's deportation.

¶17. (U) Iskender Okyay, head of the Migration and Asylum Department at the MFA Directorate General for Consular Affairs, called the Ibrahim case a "silly story" resulting from a series of missteps. Okyay said Ibrahim told police he came to Turkey with the intention of working for his uncle in Istanbul. However, during a telephone conversation his uncle advised him to enter northern Iraq and seek assistance from Kurdistan Democratic Party Chairman Massoud Barzani. Turkish

police arrested him as he was heading for the Iraqi border. Okyay speculated that the reference to Barzani may have caused the police to accuse Ibrahim of PKK involvement; he said he is not aware of any evidence indicating a possible link to the PKK.

MFA: Missteps Led to Summary Deportation

18. (U) Okyay said Ibrahim expressed no interest in filing for asylum, nor did he express fear of persecution on return to Syria, until his trial proceedings were nearly completed, some seven months after his arrest (Note: Ibrahim's lawyer claims his client told authorities he wished to seek asylum during his arrest and during a December court hearing. End Note). In addition to filing the application late, Okyay said, the attorney submitted the petition to police and sent a copy to Amnesty International, rather than to the MFA. Police officials apparently determined that Ibrahim's case was not legitimate; most likely, they assumed Ibrahim's attorney advised him to claim a fear of persecution to avoid deportation. MFA did not get word until one day before the deportation. If word had come just a couple of days sooner, Okyay averred, he would have stopped the process and enabled UNHCR to interview Ibrahim.

19. (C) We asked whether law enforcement authorities in Turkey are trained to properly screen asylum applications. Okyay said UNHCR and the International Organization for Migration provide training to Turkish police on asylum/refugee issues. However, he acknowledged the system is "deficient." He said the GOT is currently debating how to reform the process. In Okyay's view, the best solution would be to establish a civilian authority to screen asylum applications and make final judgments. Under the current system, he said, the police have too much power -- the same authorities detain irregular migrants and determine whether their asylum applications are valid.

10. (U) Okyay said MFA has instructed the Turkish Embassy in Damascus to inquire about the welfare of Ibrahim. The Embassy has not reported yet, but according to Amnesty International Ibrahim is being held in a Damascus prison.

Comment

11. (C) Turkish police and Jandarma are unlikely to be sympathetic to asylum petitions, particularly if they involve Kurds from Syria, Iraq or Iran. Ibrahim is exactly the kind of migrant Turkey intended to keep out when it set a geographical limit to its obligations under the UN convention. In cases like these, law enforcement authorities feel they are protecting their country by returning the migrants before UNHCR can interfere, and potentially prolong the migrants' stay in Turkey.

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